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THE TRIAL

OF

Henry Griffin, alias George Hubbard,

(THE PRETENDED DUKE OF ORMOND)

BEFORE

THE HON. SIR W. H. ASHHURST, KNT.

At the Summer Assize held for the County of Warwick, Aug. 21, 1792.

FOR

Shooting at, and wounding

MR. JOHN WALLIS, JUN.

At Vauxhall, near Birmingham, November 2, 1791:

WITH

THE PRISONER'S DEFENCE.

TAKEN IN SHORT-HAND BY A GENTLEMAN,
Who accompanies the Judge on his Circuits.

Birmingham,

PRINTED AND SOLD BY J. THOMPSON

MDCCXCII.

[*Price Six-pence.*]

DEC 22 1914

THE TRIAL, &c.

[About half past Seven o'clock on Tuesday Morning, August 21, 1792, the Prisoner, neatly dressed, entered the Court; his deportment was exceedingly graceful and genteel; and his appearance drew from the numerous Spectators pity for the perilous situation in which they saw him, as well as their condemnation of the imprudencies which had placed him in it.]

HENRY GRIFFIN, otherwise *George Hubbard*, was indicted for, that he, with a certain offensive weapon, called a Pistol, then and there charged with Gunpowder and a leaden Bullet, wilfully and maliciously shot at and wounded John Wallis the younger, on the 2d of November, 1791, against the Statute, &c.

The first Jury were all objected to by the Prisoner's Counsel, as being Inhabitants of Birmingham; and one person among the second, for the same reason; his place being supplied, the trial commenced.

Mr. Balguy opened the Indictment.

John Wallis, the younger.

Question.—Was you sent for in November last?

Answer.—Yes;—I was, on the 2d of November.

Q. Pray what is your father?

A. A constable.

Q. Pray, Sir, are you an officer?

A. No;—I am not.

Q. Was you sent for at that time?

Q. Yes;—I was sent for by my father; and I saw a gentleman in a hackney-coach.

Q. Where did you go to?

A. To Vauxhall, about one mile from Birmingham. My father told me, as we went, it was to see a person who was thought to be the Duke of Ormond.

[The Newspaper was produced in Court, containing the advertisement offering a reward for apprehending the pretended Duke of Ormond.]

Q. Pray in what parish does your father reside?

A. Birmingham.

Q. When you went to Vauxhall, who was with you?

A. My father, one Bruce, and myself.

Q. Pray did you ever see the advertisement that was in the paper now produced?

A. I certainly did.

Q. When

Q. When you got to Vauxhall, what did you do?

A. We met at Vauxhall, Mr. Spooner, and he took us up stairs to shew us the room where Griffin was. On my way up stairs, sombody put a pistol in my hand, but I do not know who it was. When I went to the door, I put the pistol behind my back. When we came up, the door was open, and we went into the room; I met the Prisoner at the door, and said, Ha! Griffin! and I kept my pistol in the same place where it was when I went in.

Q. Were your father and Bruce there?

A. Close following me.

Q. Did you know the Prisoner before?

A. I did;—and he said, Wallis, how do you do?

Q. What did he do, or say, then?

A. He turned from me, and drew a pistol, and presented it to me.

Q. How far from you?

A. A few paces.

Q. What did you say then?

A. Good God! you surely do not mean to fire—and before I had done speaking, I received the contents of the pistol in my mouth.

Q. Where was your pistol at that time?

A. Behind my coat.

Q. Did any thing pass before firing?

A. Nothing.

Q. What did the Prisoner do then?

A. I how

A. I lost my recollection; but when I recovered, I saw my father and him struggling, I took up a pistol off the table, and struck him upon the forehead, which brought him on his knees; and he was then secured.

Q. You say you struck him with a pistol, where was yours?

A. I lost it when I was wounded.

Q. Who secured him.

A. My Father, Bruce, and myself.

Cross examined by Mr. Clarke.

Q. What time of the day was this?

A. About one or two o'clock.

Q. Did not Spooner go after his Daughter?

A. I do not know.

Q. Did one King say that Spooner was there?

A. I do not know.

Q. Did you know afterwards?

A. I have heard so, but I do not know.

Q. Pray who was it spoke first on the stairs?

A. Spooner said, That is the door.

Q. You are quite sure he did not say, That is the man?

A. Yes;—I am.

Q. When you went in, you said, Ha, Griffin?

A. I did.

Q. You said you was going to speak when the shot hit you.

A. I had spoke some words when I received the shot.

Q. Do

2. Do not you believe that the Prisoner was in such a situation that he could see Bruce and your Father ?

A. I suppose he was.

2. The blow you gave him was a violent blow, so as to knock him down ?

A. Yes ;—It brought him on his knees.

2. Had you, or any of you, a warrant ?

A. No ;—I believe not.

2. Did you understand from King what he went to Vauxhall for ?

A. No.

John Wallis the Elder, examined.

2. I believe you are a Constable at Birmingham ?

A. I am.

2. Was you applied to in November last, by one Bruce ?

A. Yes ;—on Wednesday the second.

2. Was any body with him ?

A. Willoughby King.

2. What did they apply to you for ?

A. To go with them to Vauxhall, to secure the Daughter of Spooner, who had eloped from Leicester with the man who was supposed to be the Duke of Ormond.

2. Did you send for any body ?

A. Yes ;—I sent for my Son, and he came ; and King and myself went on with the coach to Bruce's house, and then we went to Vauxhall.

2. What

2. What did you do when you got there ?

A. When we went into the house, somebody put a pistol into my Son's hand, and we went up stairs; Spooner went first, and we followed Spooner; when he got up, he pushed the door open, and said, There he is.

2. In what situation was the door ?

A. A little way apart.

2. When the door was open, was the Prisoner to be seen ?

A. Yes.

2. Who went in first ?

2. Spooner went in first, and my son past him, and was holding his pistol under his coat. My Son said, Hah ! Griffin, is it you ?

2. Did he make any answer ?

A. He said, Mr. Wallis, how do you do ? and almost immediately presented his pistol.

2. Did you see the pistol plainly, before the Prisoner presented it ?

A. I did.

2. Did he see you ?

A. He could not be off seeing me.

2. How did he hold the pistol ?

A. He held the pistol up; and my son said, For God's sake, you do not mean to fire ? Before the words were barely spoke, I heard the report, and he was shot, and the blood ran out of his mouth. I then ran up to the Prisoner, and he levelled a pistol at my head; I got close to him, and he had the pistol close to my side; I knocked the pistol off with one hand, and took him by the hair with the other;

other; my Son then came up, and hit him over the head, then Bruce came up, and we secured him.

Cross examined by Mr. Willis.

Q. Did not you go out to the Coach?

A. Yes;—I did.

Q. Did not King and Spooner come to secure Spooner's daughter.

A. I believe they did.

Q. You went to Vauxhall to secure Spooner's Daughter?

A. I did.

Q. You and your Son went without a warrant?

A. We did.

Q. Pray now describe the situation the door was in.

A. It was about two inches open, and Spooner went first, and my Son passed him.

Q. Was the first word spoken by Spooner?

A. Yes;—it was,

Q. Spooner is the father of the Girl that Griffin has taken away?

A. Yes;—he is.

Q. I take it, you was alarmed?

A. I was, indeed, very much.

Q. I suppose your eyes were fixed on Griffin?

A. They were; but it was a very sudden business.

Q. What was your intentions for going there?

A. To take the pretended Duke of Ormond.

John

John Bruce examined.

Q. You went with Willoughby King?

A. I went after the Lady who had eloped with the pretended Duke of Ormond,

Q. Where did you go to?

A. Mr. Wallis came in a coach, and we called on young Mr. Wallis, and we all went to Vauxhall.

Q. Who was there besides?

A. Spooner, and one Freer.

Q. What did you do when you got to the house?

A. Somebody said, I will shew you the room where the gentleman is.

Q. Did you see any pistol produced?

A. I saw one put into Wallis's hand, and one into mine; old Mr. Spooner went first, and shewed them the room, and opened the door.

Q. In what situation was the door?

A. It was not shut.

Q. How far was you from them?

A. We all got to the landing-place together, and then Spooner opened the door, and said that is the gentleman.

Q. How far did Spooner go in the room?

A. About a quarter of a yard; and Wallis said, Ha! Griffin, how do you do? and Griffin said how do you do? At that moment I heard the report of the pistol.

Q. Did you know how Wallis carried his pistol?

A. Under his coat.

2. You

Q. You had a pistol likewise; and did you carry it?

A. Yes;—I had; and carried it in my right-hand coat-pocket.

Q. What did you do then?

A. I went to the prisoner who had presented a pistol at Wallis.

Q. Did he fire?

A. Yes;—and Wallis put his hand directly to his mouth.

Q. Then what did you do?

A. Assisted in securing the Prisoner.

Cross-examined by Mr. Clarke.

Q. Had you any warrant?

A. I had not.

Q. For what purpose did King come to you?

A. King came to me to go to Vauxhall to take away Spooner's daughter who had eloped.

Q. Was King an admirer of Miss Spooner?

A. I cannot tell that.

Q. Did you all go?

A. Yes,—one after the other.

Q. Now tell me how many inches the door was open?

A. About two inches.

Q. You say Spooner opened the door?

A. Yes.

Q. Did you not swear before the justice that you said, that is the man?

A. I cannot tell.

Q. Was

Q Was what you swore before the justice the truth?

A Yes;—it was.

Q Did you see the Prisoner before he fired?

A No.

Q You never swore you saw him before he fired?

A No;—I did not.

Q Did you, or did you not, see the pistol presented at young Wallis?

A I always spoke as I do now, that was, that I saw the pistol presented at old Wallis.

Q What did you do after you had taken Griffin; did not you almost kill him?

A I do not know, but he seems alive now.

Q How long was you a beating him?

A The whole did not take up much more than a minute.

Q Did you not say the door was shut?

A No;—never.

Willoughby King examined.

Q Did you go to Mr. Wallis with Bruce?

A I told him there was a person at Vauxhall who had run away with Spooner's daughter, whose person, by the description, answered to that of the pretended Duke of Ormond and desired him to go and take him.

Q Did you go?

A Yes;—I went with Bruce and Wallis, junior.

Q Tell

Q Tell us what happened on your arrival?

A Spooner went up stairs first with young Wallis, then Bruce and old Wallis, and then Freer and myself.

Q Did you not go in?

A I did.

Q Do you know any thing about the door?

A I cannot say.

Q Did you hear any words spoke?

A I did not,

Q Did you see the Prisoner before he fired?

A I did not.

Q Did you not come from Leicester to take the lady back?

A Undoubtedly I did.

Cross-examination.

Q Did you bring or buy pistols on the road?

A I bought a brace.

Q What did you buy your pistols for?

A My own safety.

Q Did you or Spooner make any attempt to take Miss Spooner away?

A I believe Mr. Spooner did.

Q Did you apply to Wallis to assist you?

A I applied first to Bruce.

Q Did you not go a second time to Vauxhall?

A Her father did and I went with him to assist.

Q Was not you in a room in Vauxhall with Freer, Spooner, and Griffin?

A No;

A No;---I was not, but Freer and Spooner had some conversation.

Do you mean to say that Spooner never said to Griffin, Damn you, we have pistols as well as you ?

A I did not.

Q If Miss Spooner had been given up, should you have applied to Wallis ?

A I cannot say ?

Richard Wooldridge.

Q Did you see the Prisoner when he was in custody ?

A Yes.

Q When was it, and how long after he was in custody, that you heard him speak some words ?

A About four or five days.

Q What did he say ?

A "Blast my bloody pistols! how could they deceive me? if they had not, I should have shot Bruce, because I had such good aim at him."

The Honourable Judge now informed the Prisoner, that if he wished to say any thing in his defence, he was ready to attend to him. After making his acknowledgements for this indulgence, he delivered, with the most fascinating and expressive action, the following address; in the course of which he displayed considerable oratorical abilities :

May

May it please your Lordship, and you Gentlemen of the Jury—

IT is with the utmost deference and respect, that I address myself to you in my present disagreeable situation ; but it is, at the same time, with the best-grounded confidence, that the known impartiality and justice of your Lordship, and the good sense and integrity of you, gentlemen of the Jury, will rescue me from that situation, and from the iniquitious views of my enemies. I am unfortunately, though wrongfully situated. But I trust, that the illegally prolonged imprisonment which I have suffered,—and the unjust, wanton, and malicious calumnies which have been circulated against me through the medium of the public papers, will be so far from prejudicing you against me, that, in order to give an impartial verdict on this case, every idea of them will be obliterated from your minds. You will not deem the act of firing to be an act of premeditated murder—the act of a bad heart—but rather the act of a moment, produced by the critical and peculiar situation in which I then stood—an act of intemperance—and that intemperance, My Lord, under the imprest idea of sheltering the most amiable of the female sex ; who had claimed from me protection ; and whom I had vowed to protect with my life—whose lovely image was nearest to my heart.

My abilities, though indifferent, will, I hope, enable me to relate to your Lordship, and to you, Gentlemen

Gentlemen of the Jury, an impartial statement of the facts which led to this transaction.

On the 2d of November last, my servant came into my room, and informed me that Mr. Spooner, accompanied by some other persons, were in pursuit of his daughter. I desired him to describe the persons of Mr. Spooner's companions; and from his description of one of them, I immediately recollected an envious and an enraged rival.

Miss Spooner then came, and acquainted me that she had received a note from her Father, requesting her to return with him to Leicester, which she said, she would by no means comply with; but would put herself under my protection.

I was afterwards informed, that they were returned with more assistants to effect their purpose. Their having purchased arms, sufficiently indicated their hostile intentions. On their coming into my room, producing arms, and using the most approbrious language, I had only to chuse whether I would deliver into the hands of an exasperated father, and malicious lover, a beloved woman, whom I had promised at the hazard of my life to protect; or to relinquish, like a coward, her whom I loved more than life.

To see men, without authority, violently enter my apartment, to wrest from me by force, her, without whom my existence was not worth preserving,
and

and not to have repelled such meddling, unjustifiable intruders, would not have been acting the part of a man.—Their forcible entrance with fire-arms, and their exasperated appearance, left me no alternative—my own life, and the happiness of an innocent and beloved woman, were at stake;—the consequence, therefore, should be attributed to their own temerity, and not to any malicious intention in me.

After this unfortunate circumstance, I was beat, and kicked in the most unmerciful manner, upon the head, and other parts of the body, particularly by this Evidence, whose inconsistent and prevaricating testimony, I doubt not, you will scrutinize with due attention.

After I had been thus beaten, and when my hands were fettered, so as to be incapable of making resistance, a relation of my prosecutor, like a base coward, and ferocious savage, acted afresh upon my already mangled body, the cruel scene of kicking and beating, as long as his bodily strength kept pace with his unbridled fury. The behaviour of these persons, I am confident, will be deemed by every humane and generous heart, to be that of brutes and savages, rather than what might be expected from rational beings to a fellow creature in distress. Had not Mr. Richards put an end to their barbarity, there is little doubt, but they would have put an end to my existence.

I was

I was then conveyed to an impenetrable dungeon; where, had not a gentleman procured me surgical assistance, I must have fallen a victim to their inhuman treatment.

The miseries I suffered, and the malicious calumnies which were continually appearing against me, made me anxious for a speedy trial; but, at the expected time, I was denied that imprescriptible right through the measures taken by my prosecutor, and was again conveyed to my irksome prison.

But the time is at length arrived, when I can (and I rejoice in the opportunity) throw myself upon the justice and wisdom of an upright judge, and upon the integrity and discernment of an impartial jury.

Having given a plain and just relation of the circumstances which led to this transaction; and an unexaggerated account of the miseries I have suffered since, in consequence of it; I cheerfully await the determination of you, Gentlemen of the Jury, who, I trust, will not suffer prejudice to bias your decision."

The learned judge now summed up the evidence, with his usual accuracy and precision; in the course of which, he stated the law to be, "That if
 "an officer be killed in endeavouring to enter an
 "apartment to secure an offender, it cannot be
 "deemed murder, except the officer shall have ac-
 "quainted

“ quainted the offender by what authority, and for what offence, he is about to secure him.”

The Jury, after consulting a few minutes, returned a Verdict—NOT GUILTY.

Mr. Hammond, of Newmarket, banker, lodged a detainer against the prisoner, for defrauding him in the name of the Duke of Ormond.

WE presume, the following Particulars relative to this young man may not be unacceptable to the public.

His real name is James Moleworth Hubbard, son of James Hubbard, Esq. late his Majesty's Judge Advocate in the province of Virginia. This James Moleworth Hubbard bore his Majesty's commission with much credit at the battles of Camden, Guilford, and York-town : at the conclusion of the war he came to England, under the joint patronage of Lords Cornwallis and Dunmore. Having lost all his possessions in America, he claimed for, and obtained from Government, the sum of ten thousand pounds, as an American loyalist. He is allied by consanguinity to some very great and respectable families in England, whose esteem, it seems, he has forfeited by his imprudencies. His faults, doubtless, are many ; yet, were his whole history known, perhaps he might be entitled to some commiseration.

His

His father died at New York, in the Month of May, 1782. He has a mother, two sisters, and a brother, now living at Williamsburg, in Virginia, with whom he has never corresponded since he lost the favour and protection of Lord Cornwallis. His mother is a native of America; her maiden name was Morton; she retains very large possessions in the province of Virginia. He has figured in the most polite circles in London, Paris, Tours, Dijon, Bath, Bristol, Brighton, Buxton, Margate, &c. &c. Were his whole history laid before the public, it would, perhaps, exhibit a combination of the most extraordinary incidents that ever concentrated in any one man of his age, which apparently is not more than five or six and twenty.

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